

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
October 18, 2022

Name of Offender: **Elias Cordero-Perez**

Case Number: **2:21CR00066**

Name of Sentencing Judicial Officer: **Honorable Richard F. Boulware**

Date of Original Sentence: **March 16, 2021**

Original Offense: **Deported Alien Found in the United States**

Original Sentence: **Time Served, followed by 36 Months TSR.**

Date Supervision Commenced: **March 16, 2021**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program.

☒ Location monitoring technology at the discretion of the probation officer

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

☒ **You are restricted to your residence every day from 5 PM to 7 AM, or as directed by the probation officer.**

CAUSE

On March 16, 2021, Elias Cordero- Perez was sentenced by Your Honor to time served with 36 months of TSR to follow for committing the offense of Deported Alien Found in the United

RE: Elias Cordero-Perez

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States. Supervision commenced in the District of Nevada on March 16, 2021. At the time of sentencing the only special condition ordered by Your Honor was deportation compliance. On October 29, 2021, the warrantless search condition was added to his conditions.

On May 18, 2022, Your Honor signed a modification to include substance abuse treatment as a special condition to address two (2) positive drug tests for methamphetamine. Beginning in June of 2022, Cordero began substance abuse treatment.

The purpose of this report is to inform Your Honor of violation conduct. Since our last reporting to the Court, Cordero-Perez has failed to report for drug testing on five (5) occasions: July 12th, August 11th, August 29th, September 17th, and September 20th, 2022.

On October 6, 2022, Cordero-Perez was called into the probation office to address the failures to report for testing. Cordero was admonished, in which he took responsibility for the absences and informed probation he would make sure that it did not happen again.

On October 14, 2022, Cordero-Perez reported to our community drug testing facility and tested positive for methamphetamine. On October 17, 2022, he was instructed to report to the probation office to address the positive drug test for methamphetamine. Cordero informed the undersigned officer he was in Reno, Nevada. To accommodate Cordero's location, he was instructed to report to our office in Reno, Nevada. Cordero reported that he was stranded at his brother's house and did not have a ride to the probation office.

Later, October 17, 2022, the undersigned received a phone call from Cordero's brother, Pedro, informing probation that he arrived at his home to take his brother to the probation office and his brother had left. Pedro stated that his brother was on his way back to Las Vegas and left without advising him. Pedro was questioned on how Cordero was able to arrange a ride to Las Vegas from Reno but could not plan to appear at the probation office in Reno. Pedro admitted that Cordero was not in Reno, that he lied on his behalf, but hopes that arrangements could be made to allow his brother to stay with him.

Cordero- Perez contacted Probation and attempted to inform the undersigned that he decided to leave Reno and he was in the process of returning to Las Vegas but would be unable to report to either office on said date. The undersigned challenged Cordero and instructed him to report to the office in Las Vegas immediately knowing that he was in fact in Las Vegas. Cordero presented in the probation office with his mother and informed probation of his battles with substance abuse and stated that he uses methamphetamine approximately twice a month.

As a corrective measure, Cordero was verbally admonished and counseled on the consequences of substance abuse. Additionally, he was instructed to discuss his relapse in treatment with the clinician. When discussing options to assist, Cordero was presented with a sanction that would place him on location monitoring with a curfew. Cordero stated structure helps him maintain abstinence and the requirement to remain at his residence during evening hours will help remove the temptation to leave to use controlled substances. As such, the undersigned officer is respectfully requesting that Cordero's conditions be modified to include a curfew enforced by Location Monitoring for 90 days, requiring Cordero to remain in his residence between the hours

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of 5:00 p.m. to 7:00 a.m., with discretion of the Probation Office to adjust his schedule for work purposes, drug testing, or treatment only. This condition will allow our office to closely monitor Cordero in hopes of dissuading him from making poor decisions that would result in him relapsing again. Cordero has agreed to the modification as witness by his signature on the attached waiver.

Probation will continue to monitor Cordero and keep Your Honor updated with any information regarding this matter. Should the Court have any questions or desire an adverse measure be taken in this circumstance, the undersigned can be reached at (702)236-8732.

Respectfully submitted,



Digitally signed by
Amanda Stevens
Date: 2022.10.19
12:57:49 -07'00'

Amanda Stevens
U.S. Probation Officer

Approved:



Digitally signed by Todd
Fredlund
Date: 2022.10.18 16:29:26
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



RICHARD F. BOULWARE, II
United States District Judge

DATE: November 2, 2022

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Home Confinement with Location Monitoring – You will be monitored by the form of location monitoring technology indicated below for a period of 90 days, and you must follow the rules and regulations of the location monitoring program.

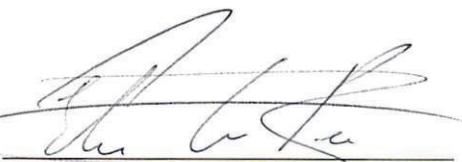
☒ Location monitoring technology at the discretion of the probation officer.
This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

☒ You are restricted to your residence every day from 5 PM to 7 AM, or as directed by the probation officer.

Witness


U.S. Probation Officer

Signed


Probationer or Supervised Releasee

10.17.2022
Date